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**JAMES L. TOMPKINS, OF FLOYD COUNTY.**

In Floyd Circuit Court held on the 17th day of October, 1907, the following resolution were adopted:

Whereas at a meeting of the resident members of the Floyd County Bar, and the officers of the court, held at the courthouse on the 12th day of August, 1907, to take action on the death of Capt. James L. Tompkins, which occurred a few days before, a resolution was passed requesting the Hon. Archer A. Phlegar, to prepare a suitable sketch or memorial to be presented to the Circuit Court at the present term to be spread upon the records, which request has been complied with by Judge Phlegar, who in a letter accompanying the memorial says, "The work has been a labor of love but the result is sent with a full appreciation of its imperfections and many regrets that I could not do better justice to the subject."

And now said memorial being presented to the court, and read in the presence of the members of the bar, officers of the court and citizens of the county, and after appropriate remarks made by the members of the bar, officers of the court and Hon. P. G. Lester, it is ordered that said memorial be spread upon the order book of this court, a copy thereof sent to the widow of Capt. Tompkins, and a copy to the LAW REGISTER with the request that the same be published.

Born in Bedford County, Virginia, on the 21st day of September, 1834, the child of Dr. Daniel Tompkins, and his wife, Lydia, *nee* Haden, at the early age of thirteen, James L. Tompkins came to Floyd County to earn his daily bread, and began a career of usefulness in the store of his uncles, and later obtained instruction at the Floyd Academy.

Attracted by the higher things of the law, he pursued its study under Mr. Henry Lane, a lawyer of fine character and promise, who became his captain, and as lieutenant colonel of the forty-second Virginia Regiment, laid down his life at Cedar Run on the 9th of August, 1862.

On the 23rd of April, 1857, he was admitted to the bar of Floyd County Court, and without interruption, except during the Civil War, pursued the profession for fifty years, with such zeal, honor, honesty and success that there are none to say that he

ever neglected his business, betrayed a client, misappropriated a cent, or mistook his calling.

At the August term, 1857, he appeared in the County Court as attorney in his first case, *Samuel Dobyns v. Geo. W. Tucker*, and the friendship that was formed between him and Samuel Dobyns, descended to their children, and was most happily exemplified in the relation which existed between Mr. Tompkins and Judge Zach. T. Dodyns, whose portrait adorns the walls of this court room, and whose abilities and virtues are the heritages of this bar.

During the year 1857 he brought four suits and instituted other proceedings for the collection of debts. He paid his own debts and believed others should do the same.

At the September term, 1857, of the Circuit Court, he was employed in an action of ejectment, and stated, not long before his death, that there had been no time since then that he was not engaged in such a suit. Actions of ejectment and chancery suits were probably his favorite branches of the practice; that there was cause for this his opponent in many a hardly contested case have felt, and, if living, can testify.

He knew more about the titles and boundaries of the lands of Floyd County than probably any ten men combined now living, or who have lived in the last twenty years.

His memory of events great and small, of the peculiarities of persons, the details of trials, of dates, and of business transactions was truly remarkable, and for a period of years it was remarked that it was more reliable than the records of the court, which were then not kept as they should have been.

This is more remarkable when the volume and variety of his business is remembered. He had for many years a good practice in Patrick, Carroll and Montgomery Counties, in addition to his Floyd practice. Out of 155 cases on the docket of this court at the May term, 1871, Mr. Tompkins was marked as counsel in 95; at the May term, 1880, out of 201 cases, he was marked to 132; and at the November term of that year, final decrees were entered in twenty-one of his cases. Who, at a bar where ten or twelve lawyers were practicing regularly, can show employment in such a proportion of the cases, or such attention to his business as to be able to finally dispose of so many cases?

As a commissioner to sell lands, and a receiver to collect and disburse court funds, he has set an example that has been of much service to the young men of the bar, and his actions were of much service to those entitled to the funds.

He sold land and handled funds in hundred of cases, and at his death left no unsettled accounts, and during his life misappropriated no portion of the funds intrusted to him.

No attorney could surpass him in fair dealings, in the management of a case. He despised trickery of all kinds, hated a liar with perfect hatred, and never hesitated to let one who attempted to take an unfair advantage, realize his contempt. It has been said of him by other lawyers that they felt as sure that a decree written by Mr. Tompkins, although his opponent did not see it, would state the condition of the record and judgment of the court as fairly for the opponent as if he himself had written it, and sometimes more accurately.

His modesty was almost a failing, and narrowed the field of his usefulness.

While he appeared as counsel in the many of the reported cases, he never personally appeared in the Court of Appeals, although often urged to do so. In jury trials he rarely claimed, or would take, the conclusion of the argument, but yielded it to his associates, even when they were younger men.

He would have put his hand in the fire to be burned off before he would have solicited employment in the way that some do, by a shameless asking for it, or the employment of paid runners or solicitors, who would degrade the profession to the level of hucksters and jockies.

Socially he was a most delightful companion when with friends and very reserved with strangers. The humorous and instructive stories which he would tell when the judge, the lawyers and other congenial friends would gather after the court had adjourned, and his epigrammatic sizing up of some self-conceited individual will long be remembered and if they could be preserved, would be a valuable addition to the traditional history of this county.

One instance of his practice is worthy of perpetuation, as evidence of the manner of the times, the resourcefulness of the lawyer, and his fidelity to his client.

A litigant of the court, whom we will call Mr. C., gave notice to Mr. Tompkins' client that C. would take a deposition at his own home. Mr. Tompkins attended and found a country 'squire ready to take the deposition in C.'s kitchen. The witness was willing, and had been well coached for the examination in chief, but the line of cross-examination had not been foreseen and soon was giving trouble. C. began telling the witness what to answer. Mr. Tompkins remonstrated in vain, and his appeal to the 'squire was also in vain. Finally he wrote a question, and before permitting it to be read to the witness, picked up a good-sized stick, which he used as a poker for the kitchen fire, raised it with both hands over C.'s head, told the 'squire to read the question to the witness, told C. that if he spoke a word until the answer was recorded he would knock him in the head. The desired result was obtained and the cross-examination proceeded to the end, with uplifted stick and the silence of Mr. C. At the conclusion, C. said: "I am going to court and tell the court I was intimidated."

As a soldier, his reputation is as spotless and as worthy as it is as a lawyer. He was mustered into service June 11th, 1861, by Gen. J. A. Early, as third lieutenant of Company B, forty-second Regiment, Virginia Volunteers, and with it he served in the Northwest Virginia campaign under General Lee, and afterwards, in the division and corps commanded by Stonewall Jackson, Edward Johnson, John B. Gordon, R. S. Ewell and others on the many bloody fields of the Valley and of Eastern Virginia, rising to the rank of captain and commanding and surrendering his regiment at Appomattox. He was judge advocate of Gordon's division, tribute to his skill as a lawyer, and fidelity as a soldier.

It was always a delight to him to aid an ex-Confederate soldier or the widow of one, especially so in getting through the court and the auditor's office their applications for the meager pension the State has been able to pay them.

To his memory and labor in making the record is due the complete roll and record of his company, which is on file in Richmond, and a copy of which he had at his death.

The only office to which Mr. Tompkins ever aspired was that

of commonwealth attorney, which position he held by appointment from April 11, 1870, until January 1, 1871, and by election from January 1, 1871, to January 1, 1874.

His family life was of the happiest. Married on the first day of November, 1859, to Miss M. A. Howard, she bore him five sons, four of whom choose their father's profession, a tribute to the example he set them, and two daughters—a charming home circle which death did not break until the 10th of August, 1907, when it claimed the husband and father, the soldier and the lawyer, the kind friend, the just and honest man, whose memory we desire to perpetuate.

The next day his remains were deposited by his sons, in the presence of many sorrowing friends, in the cemetery which is within the sound of his home, and overlooks the office and courthouse which were the places of the greater part of his labors and his triumphs, where they will rest until the trumpet of the great archangel shall summon them to the resurrection of the just.

That a man who lived for so many years such a life of honesty, virtue and truth as he did was not a professing Christian was considered strange by those who knew him, and cared for such things. He was always respectful to religion and utterly merciless towards hypocrisy.

The death of his long time and much loved friend, Judge Henry E. Blair, made a deep impression on him.

To a close friend, who had concluded a letter giving an account of Judge Blair's death, with, "It is my prayer that through the same faith which he had, he, you and I may meet again where no such parting can occur. Won't you unite in this prayer?" He replied, "I most heartily and earnestly join in that prayer, unworthy as I am," and to the same friend he said but a few days before his death, "I am still praying that prayer you wrote me."

To a trusted minister of the gospel, who asked him about a month before his death, "How is it with you, Mr. Tompkins?" he replied, "I am trusting for salvation in the merits of the Lord Jesus Christ."

We can not but believe he died a Christian, in the hope of a blessed immortality.

Thus lived and died a good man, capable of understanding the intricacies of the law, of appreciating the great principles of right and justice, and ready to stand for them at home, on the battle field and on the forum; one whose place it will be hard to fill and whose example will be missed.

To his family we extend our deepest sympathy and our heartfelt wishes for an alleviation of their grief, and for a happy reunion in the great hereafter.